

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAISY MAE BURLINGAME,

No. C 07-03394 SBA (PR)

Petitioner,

ORDER TO SHOW CAUSE

v.

SCHEILA A. CLARK, Warden,

Respondent.

Petitioner, a federal prisoner, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner has paid the \$5.00 filing fee. Petitioner also filed a motion to expedite treatment of her habeas petition.

A district court may entertain a petition for a writ of habeas corpus challenging the execution of a federal sentence only on the ground that the sentence is being executed "in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3); United States v. Giddings, 740 F.2d 770, 772 (9th Cir. 1984).

The court should "award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243. Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous or false. Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990) (quoting Blackledge v. Allison, 431 U.S. 63, 75-76 (1977)).

1 It does not appear from the face of the petition that it is without merit. Good cause
2 appearing, the Court hereby issues the following orders:

3 1. The Clerk of the Court shall serve a copy of this Order and the petition and all
4 attachments thereto upon Respondent and Respondent's attorney, the United States Attorney for the
5 Northern District of California. The Clerk shall send a copy of the petition to the Attorney General
6 of the United States in Washington, D.C. The Clerk shall also serve a copy of this Order on
7 Petitioner.

8 2. Respondent shall file with this Court and serve upon Petitioner, within sixty (60) days
9 of the issuance of this Order, an Answer showing cause why a writ of habeas corpus should not be
10 issued. The respondent shall file with the answer a copy of all documents that are relevant to a
11 determination of the issues presented by the petition.

12 3. If Petitioner wishes to respond to the Answer, Petitioner shall do so by filing a
13 Traverse with the Court and serving it on Respondent within thirty (30) days of receiving the
14 Answer. Should Petitioner fail to do so, the petition will be deemed submitted and ready for
15 decision thirty (30) days after the date Petitioner is served with Respondent's Answer.

16 4. It is Petitioner's responsibility to prosecute this case. Petitioner must keep the Court
17 and Respondent informed of any change of address and must comply with the Court's orders in a
18 timely fashion. Petitioner must also serve on Respondent's counsel all communications with the
19 Court by mailing a true copy of the document to Respondent's counsel.

20 5. Extensions of time are not favored, though reasonable extensions will be granted.
21 Any motion for an extension of time must be filed no later than ten (10) days prior to the deadline
22 sought to be extended.

23 6. Based upon the Court issuing an order to show cause, Petitioner's motion to expedite
24 the treatment of her habeas petition (docket no. 3) is DENIED.

25 7. This Order terminates Docket no. 3.

26 IT IS SO ORDERED.

27 DATED: 9/4/07

28 
SAUNDRA BROWN ARMSTRONG
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DAISY MAE BURLINGAME,

Case Number: CV07-03394 SBA

Plaintiff,

CERTIFICATE OF SERVICE

v.

SCHEILA A. CLARK et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 5, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Daisy Mae Burlingame Reg. No. 13540-097
Federal Prison Camp Dublin
5675 8th Street, Camp Parks
Dublin, CA 94568

Dated: September 5, 2007

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk